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Letter dated 20 January 2006 from the Permanent Representative of Côte d'Ivoire to the United Nations addressed to the President of the Security Council

On instructions from my Government, I have the honour to bring to your kind attention a number of serious misunderstandings regarding the implementation of Security Council resolution 1633 (2005), misunderstandings which, unless we are careful, could seriously endanger the peace process.

As you are aware, the above-mentioned resolution clearly defines the mandate entrusted to the International Working Group, which is to monitor the implementation of the peace process.

However, at its very first meeting, held on 8 November 2005, in Abidjan, the Group deliberately deviated from its mission by reinterpreting the provisions of the resolution, in particular when it stated that the Prime Minister must have "independent executive powers", which is not only contrary to the terms of the above-mentioned resolution, but would also install thereby an ineffectual and emasculating diarchy at the helm of the Ivorian State.

Resolution 1633 (2005) is perfectly clear on this point when it states that "the Prime Minister must have all the necessary powers according to the Linas-Marcoussis Agreement ..." This clearly refers to the powers necessary for the discharge of a quite specific mandate, namely, disarmament, reunification of the country, establishment of electoral lists and the organization of fair and transparent elections.

At the conclusion of its third meeting, held on 15 January 2006, the International Working Group continued with this approach by issuing a communiqué with the same tenor as the first, which, with reference to the situation of the National Assembly, stated in substance:

> "The International Working Group has concluded that the mandate of the National Assembly, which expired on 16 December 2005, should not be extended. Nevertheless, during the transitional period, the International Working Group recommends that the Prime Minister, in consultation with the Head of State, and drawing on the experience of former deputies, may, at his discretion, entrust them with specific missions aimed at promoting peace and national reconciliation".

This communiqué led to the well-publicized protests in Abidjan and a number of towns in the interior of the country since, by adopting this position, the

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International Working Group, as it had done on 8 November 2005, exceeded its mandate with respect to the functioning of our national institutions. Resolution 1633 (2005) in fact states as follows:

The Council " [...] invites the International Working Group, noting that the mandate of the National Assembly will end by 16 December 2005, to consult with all the Ivorian parties [...] with a view to ensure that the Ivorian institutions function normally until the holding of the elections in Côte d'Ivoire ..."

Opposing the extension of the mandate of the National Assembly, one of the key institutions of the country and of any democracy, is certainly not a contribution to the normal functioning of institutions.

It should be recalled that during the consultations of the Ivorian parties in preparation for the meeting of 15 January 2006, the International Working Group had been thoroughly briefed on the views of the different parliamentary groups on the issue and, in particular, on the views expressed by the Constitutional Council on 15 December 2005, all in favour of extending the mandate of the National Assembly. We should also note that the decision of the International Working Group of 15 January 2006 also has the effect of disregarding the views of the Constitutional Council, which is another national institution that contributes to the balance of powers in a democracy.

Following the negotiations that took place on 18 January 2006, with Olusegun Obasanjo, the current Chairperson of the African Union, representing the international community, the role of the International Working Group was further clarified, as indicated in this passage of the communiqué that was issued at the conclusion of the above-mentioned negotiations:

"1. The International Working Group has no authority to dissolve the National Assembly;

2. The International Working Group did not dissolve the National Assembly at the conclusion of its meeting of 15 January 2006;

3. We invite the President of the Republic and the Prime Minister to continue their consultations with a view to reaching a political settlement in the days ahead."

Following the issuance of this communiqué, the leaders of the political parties and civil society movements who had launched the protests appealed for calm and by the evening of 19 January 2006 order had been restored.

In view of the foregoing, it is surprising that the Security Council, in the statement by its President of 19 January 2006 (S/PRST/2006/2), following the mediation of President Obasanjo and the return to calm, should "endorse the final communiqué of the International Working Group of 15 January 2006", in other words, the communiqué that was at the root of the disturbances. Due reservation expressed by the Security Council with respect to the communiqué was quite rightly highlighted, a fact that the final communiqué issued after the above-mentioned negotiations focused on exclusively, and served to convince Ivorians of the invariable consistency between the positions adopted by the African Union and those of the United Nations, as well as of the continued willingness of the international community to provide support for the effort to restore peace in Côte d'Ivoire.

In any event, my Government will on this issue respect the outcome of the negotiations undertaken by the Chairperson of the African Union.

We hope that the International Working Group will in future abide strictly by the terms of resolution 1633 (2005), which has given it a clearly defined mandate. Only thus will we be able, through dialogue between the Ivorian parties and with the welcome assistance of the international community, to achieve lasting peace in the country.

I should be grateful if you would arrange for this letter to be circulated as a document of the Security Council.

(*Signed*) Philippe **Djangone-Bi**
Ambassador